

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NEXTEC APPLICATIONS, INC.,
a Georgia corporation,

Plaintiff,

v.

BROOKWOOD COMPANIES, INC.,
a Delaware Corporation.

Defendant.
-----X

ECF Case 07-CV-6901 (RJH)(THK)

**[PROPOSED] ORDER
STRIKING THE
DECLARATION OF FRANK
MONTIE**

Having duly considered Parties' arguments and the evidence before the Court, the Court hereby finds that Paragraph 9, sentences 2-4; Paragraph 11, sentences 1 and 3; and Paragraph 12, sentences 1-3 of the Declaration of Frank Montie [Docket No. 47] fail to comply with the Federal Rules of Civil Procedure and the Federal Rules of Evidence. Accordingly, the Court **HEREBY STRIKES** from the record those sentences of the Declaration of Frank Montie [Docket No. 47].

SO ORDERED:

Dated: New York, New York

Honorable Richard J. Holwell
United States District Judge